

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/623,211 Confirmation No.:  
Applicant : MARK C. DOYLE  
Filing Date : 07/18/2003  
Title : PASSIVE NEEDLE GUARD FOR SYRINGES  
Group Art Unit : Unknown  
Examiner : Unassigned  
Docket No. : 706737.4007  
Customer No. : 34313

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. In accordance with the USPTO waiver of the requirement under 37 CFR 1.98(a)(2)(i), only copies of foreign patent documents and non-patent literature are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

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CERTIFICATE OF MAILING (37 CFR §1.8)

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Dated:

Oct 22, 2003

  
Signature of Person Mailing Document

DOCSOC1:143386.1

Applicant : MARK C. DOYLE  
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Examiner : Unassigned  
Docket No. : 706737.4007

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37.CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Applicant : MARK C. DOYLE  
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**STATEMENT UNDER 37 CFR § 1.97(e):**

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

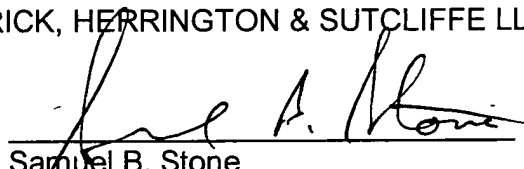
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).  
☐ Please charge \_\_\_\_\_ to Deposit Account No. **15-0665** for the above fee(s).  
☒ The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: October 21, 2003

By:

  
Samuel B. Stone  
Reg. No. 19,297

ORRICK, HERRINGTON & SUTCLIFFE LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614  
949/567-6700 Telephone  
949/567-6710 Facsimile

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

Complete if Known

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

2

Application Number

10/623,211

Filing Date

07/18/2003

First Named Inventor

Mark C. Doyle

Group Art Unit

Unknown

Examiner Name

Unassigned

Attorney Docket Number

706737.4007

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup>			
	1	3,306,290	A	Weltman	02/28/1967	
	2	4,767,413	A	Haber et al.	08/30/1988	
	3	4,820,275	A	Haber et al.	04/11/1989	
	4	4,923,447	A	Morgan	05/08/1990	
	5	4,927,416	A	Tomkiel	05/22/1990	
	6	4,932,947	A	Cardwell	06/12/1990	
	7	4,955,868	A	Klein	09/11/1990	
	8	5,059,184	A	Dyke	10/22/1991	
	9	5,088,986	A	Nusbaum	02/18/1992	
	10	5,176,656	A	Bayless	01/05/1993	
	11	5,201,708	A	Martin	04/13/1993	
	12	5,201,720	A	Borgia et al.	04/13/1993	
	13	5,242,420	A	Martin	09/07/1993	
	14	5,273,541	A	Malenchek	12/28/1993	
	15	5,433,712	A	Stiles et al.	07/18/1995	
	16	5,492,536	A	Mascia	02/20/1996	
	17	5,562,624	A	Righi et al.	10/08/1996	
	18	5,562,626	A	Sanpietro	10/08/1996	
	19	5,573,513	A	Wozencroft	11/12/1996	
	20	5,695,475	A	Best, Jr. et al.	12/09/1997	
	21	6,159,184	A	Perez et al.	12/12/2000	
	22	6,171,283	B1	Perez et al.	01/09/2001	
	23	6,186,980	B1	Brunel	02/13/2001	
	24	RE37,439	E	Firth et al.	11/06/2001	
	25	6,319,234	B1	Restelli et al.	11/20/2001	
	26	6,613,022	B1	Doyle	09/02/2003	
	27	6,623,459	B1	Doyle	09/23/2003	

Examiner  
Signature

DOCSOC1:143388.1

Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.)). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Complete if Known	
				Application Number	10/623,211
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				First Named Inventor	Mark C. Doyle
				Group Art Unit	Unknown
				Examiner Name	Unassigned
Sheet	2	of	2	Attorney Docket Number	706737.4007

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY	Pages, Columns, Lines, Where Relevant . Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
	28	EP	0 405 039	A1	Poirier	01/02/1991		
	29	EP	0 680 767	A1	Righi et al.	11/08/1995		
	30	WO	91/18634	A1	Medway	12/12/1991		
	31	WO	93/00949	A1	Romagnoli	01/21/1993		
	32	WO	93/17732	A2	Kuracina et al.	09/16/1993		
	33	WO	98/35714	A1	Restelli et al.	08/20/1998		
	34	WO	99/17823	A1	Perez et al.	04/15/1999		
	35	WO	99/32177	A1	Malenchek et al.	07/01/1999		
	36	WO	99/37345	A1	Restelli et al.	07/29/1999		
	37	WO	00/33900	A1	Denis	06/15/2000		
	38	WO	00/76565	A1	Brunel	12/21/2000		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>7</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

Examiner Signature	DOCSOC1:143388.1	Date Considered	
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